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Item 111 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities

Note by the Secretary-General**

I have the honour to submit to the General Assembly, pursuant to General Assembly resolution 56/168 of 19 December 2001, the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

* A/57/150.
** The document was submitted following the conclusion of the deliberations of the Ad Hoc Committee on 9 August 2002.

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Report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities

I. Introduction

1. In its resolution 56/168 of 19 December 2001, the General Assembly decided to establish an Ad Hoc Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development. The Assembly also decided that, prior to its fifty-seventh session, the Ad Hoc Committee should hold at least one session of a duration of 10 working days.

II. Organizational matters

A. Opening and duration of the first session

2. The Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities held its first session at United Nations Headquarters from 29 July to 9 August 2002. In the course of its session, the Ad Hoc Committee held 19 plenary meetings and one meeting for panel discussions.

3. The 1st meeting of the Ad Hoc Committee was opened by the Vice-President of the General Assembly, Eladio Loizaga (Paraguay). The Under-Secretary-General for Economic and Social Affairs made a statement on behalf of the Secretary-General.

B. Officers

4. At its 1st, 5th and 7th meetings, on 29 and 31 July and 1 August, the Ad Hoc Committee elected the following officers by acclamation:

Chairman:
Luis **Gallegos** (Ecuador)

Vice-Chairmen:
Enrique **Manalo** (Philippines)
Jeanette **Ndhlovu** (South Africa)
Karina **Mårtensson** (Sweden)

C. Agenda

5. At its 1st meeting, on 29 July, the Ad Hoc Committee adopted the following agenda (A/AC.265/L.1):

1. Opening of the meeting.
2. Adoption of the agenda.
3. Organization of work.
4. General debate on issues concerning a new international instrument on disability, including proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities.
5. Recommendations of the Ad Hoc Committee.
6. Adoption of the report of the Ad Hoc Committee to the General Assembly at its fifty-seventh session.
7. Other business.

D. Documentation

6. The Ad Hoc Committee had before it the following documents:

(a) Note by the Secretary-General (A/AC.265/1);

(b) Provisional agenda (A/AC.265/L.1);

(c) List of participants (A/AC.265/INF/1);

(d) Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities: working paper submitted by Mexico (A/AC.265/WP.1);

(e) Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities: position paper submitted by the European Union (A/AC.265/WP.2);

(f) Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities: position paper submitted by China (A/AC.265/WP.3);

(g) Compilation of international norms and standards relating to disability (A/AC.265/CRP.1);

(h) Human rights of persons with disabilities (A/AC.265/CRP.2);

(i) Interregional Seminar and Symposium on International Norms and Standards relating to Disability (A/AC.265/CRP.3);

(j) Report of the United Nations Consultative Expert Group Meeting on International Norms and Standards relating to Disability (A/AC.265/CRP.4);

(k) Indicative timetable of work (A/AC.265/CRP.5);

(l) Critical issues and trends related to disability and human rights: emerging issues and concepts (A/AC.265/CRP.6);

(m) Report of the Expert Meeting on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/57/212).

III. Organization of work

7. During its plenary meetings, from 29 to 31 July, the Ad Hoc Committee heard general statements made by the representatives of the following countries: Argentina, Australia, Brazil, Canada, Chile, China, Croatia, Denmark (on behalf of the States members of the European Union), the Dominican Republic, India, Indonesia, Japan, Jordan, Mexico, Norway, the Philippines, the Republic of Korea, Sierra Leone, South Africa, Uganda, the United States of America and Uruguay. General statements were also made by representatives of the International Labour Organization (ILO) and the Office of the United Nations High Commissioner for Human Rights. Representatives of the following non-governmental organizations also made statements: Disabled Peoples' International, Inclusion International, Madre Inc., Support Coalition International, World Blind Union, World Federation of the Deaf and World Federation for Mental Health.

8. At its 8th meeting, on 1 August, the Ad Hoc Committee decided to organize its work in accordance with a thematic approach, including: kind and scope of legal instrument; the relation of that instrument to other human rights instruments and the United Nations standard rules and overarching principles/rights; equality in civil and political rights; equality in economic, social and cultural rights; panel discussions; monitoring mechanisms; and other topics.

9. At the 14th meeting, on 6 August, upon the request of the Ad Hoc Committee, the Division for Social Policy and Development, Department of Economic and Social Affairs, organized a panel meeting for delegates and representatives of non-governmental organizations to exchange views on the issues with representatives of United Nations agencies and programmes. The panel was opened by the Chief of the Social Integration Branch of the Division for Social Policy and Development, and moderated by Bengt Lindqvist, the Special Rapporteur on Disability of the Commission for Social Development. The following officials of United Nations departments, offices, organs and organizations presented briefings on agreed subjects: Chief, Programme on Disability, Social Integration Branch, Department of Economic and Social Affairs of the United Nations Secretariat; Chief, Women's Rights Unit, Division for the Advancement of Women, Office of the Special Adviser on Gender Issues and Advancement of Women, Department of Economic and Social Affairs; Chief, Population and Development Section, Population Division, Department of Economic and Social Affairs; Chief, Demographic and Social Statistics Branch, Statistical Division, Department of Economic and Social Affairs; Project Officer, Child Protection Programme Division, United Nations Children's Fund; Adviser to the United Nations High Commissioner for Human Rights; Deputy Director, New York Office of the International Labour Organization; and the representative of the World Health Organization. Gerald Quinn, author of the study conducted by the

Office of the United Nations High Commissioner for Human Rights, also participated in the panel.

IV. Decision on the modalities for the participation of accredited non-governmental organizations in the Ad Hoc Committee in considering proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities

10. At its 8th meeting, on 1 August, on the proposal of the Chairman, the Ad Hoc Committee decided:

(a) That representatives from non-governmental organizations accredited to the Ad Hoc Committee[1] may participate in the work of the Ad Hoc Committee by:

(i) Attending any public meeting of the Ad Hoc Committee;

(ii) Making statements, given the availability of time, in accordance with current United Nations practice;

(iii) When time is limited, selecting from among themselves spokespersons, on a balanced and transparent basis, taking into account equitable geographical representation and the diversity of non-governmental organizations;

(iv) Receiving copies of the official documents, as well as making written or other presentations. Written presentations shall not be issued as official documents except in accordance with Economic and Social Council resolution 1996/31 of 25 July 1996. Furthermore, non-governmental organizations may make their material available to delegations in accessible areas designated by the Secretariat;

(b) That the above-mentioned modalities shall in no way create a precedent for other ad hoc committees of the General Assembly.

11. The Ad Hoc Committee recalled its decision, adopted at its 10th meeting, on 2 August, to extend an invitation to regional commissions, United Nations bodies and mechanisms, experts, national human rights institutions and national disability institutions to participate in its future sessions.

V. Recommendations

12. The Ad Hoc Committee recommends that the Committee hold its second session in New York, in May/June 2003, and that the dates and the venue of the session be included in the relevant resolution to be adopted by the General Assembly at its fifty-seventh session.

13. The Ad Hoc Committee invites its Bureau to hold an intersessional meeting for the preparation and organization of the second session of the Ad Hoc Committee, including the preparation of a provisional agenda, which should be issued at least six weeks prior to the second session and which should contain, inter alia, an indication of the framework for a thematic discussion.

14. The Ad Hoc Committee also invites its Bureau to organize, at the next session of the Ad Hoc Committee, panel discussions on key thematic issues with the participation of experts and United Nations organizations and, in this context, invites Member States to nominate experts to participate in the panel.

15. With regard to accessibility, and in accordance with General Assembly decision 56/474 of 23 July 2002, on the participation of persons with disabilities in the Ad Hoc Committee, the Committee strongly recommends the Secretary-General implement some measures, within existing resources, as first steps, to facilitate accessibility to the United Nations premises, technology and documents and invites, among others, persons with disabilities and experts to present proposals in this regard.

16. The Committee recommends to the General Assembly the adoption of the following draft resolution:

"Ad Hoc Committee to consider proposals on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities

"*The General Assembly*,

[1] See annex.

"*Recalling* its resolution 56/168 of 19 December 2001, by which it established the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, as well as Commission on Human Rights resolution 2002/61 of 25 April 2002,[2] on the human rights of persons with disabilities, and Economic and Social Council resolution 2002/7 of 24 July 2002, on a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities and resolution 2002/26 of 24 July 2002, on the further promotion of equalization of opportunities by, for and with persons with disabilities and protection of their human rights,

"*Stressing* the importance of the active participation of non-governmental organizations in the work of the Ad Hoc Committee, and the important contribution of non-governmental organizations to the promotion of human rights and fundamental freedoms of persons with disabilities,

"*Underlining* that the consideration of proposals for a convention should complement concrete efforts to mainstream further the disability perspective into the implementation of international obligations and into the monitoring mechanisms of the six core United Nations human rights conventions, as well as the process of implementing and strengthening the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities,[3]

"*Welcoming* the work of national, regional and international meetings of Governments, experts, and non-governmental organizations that contributed to the work of the Ad Hoc Committee,

"*Reaffirming* the need to promote and protect the equal and effective enjoyment of all human rights and fundamental freedoms by persons with disabilities, aware of the contribution that a convention could make in this regard and thus convinced of the need to continue to consider proposals,

"1. *Takes note with appreciation* of the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities on its first session;[4]

"2. *Requests* the Secretary-General to transmit the report of the Ad Hoc Committee to the Commission on Social Development at its forty-first session and to the Commission on Human Rights at its fifty-ninth session;

"3. *Decides* that the Ad Hoc Committee should hold, within existing resources, at least one meeting in 2003 of a duration of ten working days, prior to the fifty-eighth session of the General Assembly;

"4. *Encourages* States to hold meetings or seminars to contribute to the work of the Ad Hoc Committee, in cooperation with, as appropriate, the Division for Social Policy and Development of the Department of Economic and Social Affairs, United Nations Secretariat, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on Disability of the Commission for Social Development and non-governmental organizations;

"5. *Requests* the Secretary-General to seek the views of Member States, observer States, relevant bodies and organizations of the United Nations system, including relevant human rights treaty bodies and the Special Rapporteur on Disability of the Commission for Social Development, on proposals for a convention including, inter alia, questions relating to its nature and structure and the elements to be considered, including the work done in the field of social development, human rights and non-discrimination, as well as issues of follow-up and monitoring and the complementarity between a new instrument and existing instruments;

"6. *Also requests* the Secretary-General to submit to the Ad Hoc Committee at its second

[2] *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/23), chap. II, sect. A.

[3] Resolution 48/96, annex.

[4] A/57/357.

session a comprehensive report on the views submitted, to be issued at least six weeks before the commencement of the second session;

"7. *Invites* the regional commissions and intergovernmental organizations, within their respective mandates, as well as non-governmental organizations, national disability and human rights institutions and independent experts with an interest in the matter, to make available to the Ad Hoc Committee suggestions and possible elements to be considered in proposals for a convention;

"8. *Welcomes* the contributions of the Special Rapporteur on Disability of the Commission for Social Development and the Office of the United Nations High Commissioner for Human Rights to the work of the Ad Hoc Committee and invites them to continue to collaborate with the Ad Hoc Committee and with each other in this regard;

"9. *Urges* that further efforts be made to ensure the active participation of non-governmental organizations in the Ad Hoc Committee in accordance with Assembly resolution 56/510 of 23 July 2002 and the decision of the Ad Hoc Committee on the modalities for the participation of non-governmental organizations in the work of the Committee;[5]

"10. *Further urges* that efforts be made to ensure that accessibility, with reasonable accommodation insofar as facilities and documentation, is improved for all persons with disabilities, in accordance with Assembly decision 56/473 of 23 July 2002;

"11. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work and, in this context, invites the Secretary-General to reallocate resources in order to allow the United Nations Programme on Disability to provide the necessary support to the Ad Hoc Committee;

"12. *Encourages* Member States to involve persons with disabilities, representatives of disability organizations and experts in the preparatory processes contributing to the work of the Ad Hoc Committee;

"13. *Encourages* Member States to include persons with disabilities and/or other experts in the field in their delegations to the meetings of the Ad Hoc Committee;

"14. *Decides* to establish a voluntary fund to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries, and invites Governments, civil society and the private sector to contribute to the voluntary fund;

"15. *Requests* the Secretary-General to forward a comprehensive report of the Ad Hoc Committee to the Assembly at its fifty-eighth session."

VI. Adoption of the report of the Ad Hoc Committee

17. At the 19th meeting, on 9 August, Jeanette Ndhlovu (South Africa), as Vice-Chairperson with rapporteurial responsibilities, introduced the draft report of the Ad Hoc Committee (A/AC.265/2).

18. At the same meeting, the Ad Hoc Committee adopted its report to the General Assembly at its fifty-seventh session (A/AC.265/2), as orally amended.

[5] See chap. IV above.

Annex

List of non-governmental organizations accredited to the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities

Center for International Rehabilitation

European Disability Forum

Inter-American Institute on Disability

Landmine Survivors Network

Venture House

Mental Disability Rights International

Asociación Civil contra la Discriminación (Civil Association against Discrimination)

Communications Coordination Committee for the United Nations

IUS Gentium Conimbrigae Institute-Human Rights Centre